

APPROVED MINUTES
FLATHEAD COUNTY PLANNING BOARD
NOVEMBER 9, 2022

*Notice: These minutes are paraphrased to reflect the proceedings
of the Flathead County Planning Board, per MCA 2-3-212*

A meeting of the Flathead County Planning Board was called to order at 6:00 p.m. in the 2nd Floor Conference Room of the South Campus Building, 40 11th Street West, Suite 200 Kalispell, Montana. Board members present were Sandra Nogal, Kevin Lake, Greg Stevens, Gary Votapka, Jeff Larsen and Elliot Adams. Verdell Jackson and Buck Breckenridge had an excused absence. Landon Stevens, Erin Appert, Zachary Moon, and Larissa Van Riet represented the Flathead County Planning & Zoning Office.

There were approximately 41 members of the public in attendance and an unknown number of members of the public joined via Zoom.

[06:03:28 PM \(00:00:26\)](#)

A. Call to order and roll call

[Citizen Member - Elliot Adams: Absent](#)

[Citizen Member - Gary Votapka: Present](#)

[Citizen Member - Greg Stevens: Present](#)

[Citizen Member - Jeff Larsen: Present](#)

[Citizen Member - Kevin Lake: Present](#)

[Citizen Member - Sandra Nogal: Present](#)

[FCD Representative - Verdell Jackson: Absent](#)

[Citizen Member - Buck Breckenridge: Absent](#)

[06:03:25 PM \(00:00:23\)](#)

B. Pledge of Allegiance

[06:03:51 PM \(00:00:49\)](#)

C. Approval of the October 12, 2022 meeting minutes

[Citizen Member - Sandra Nogal: Motion](#)

[Citizen Member - Gary Votapka: 2nd](#)

[Citizen Member - Elliot Adams: Absent](#)

[Citizen Member - Gary Votapka: Approve](#)

[Citizen Member - Greg Stevens: Disapprove](#)

[Citizen Member - Jeff Larsen: Approve](#)

[Citizen Member - Kevin Lake: Approve](#)

[Citizen Member - Sandra Nogal: Approve](#)

[FCD Representative - Verdell Jackson: Absent](#)

[Citizen Member - Buck Breckenridge: Absent](#)

[06:04:49 PM \(00:01:47\)](#)

D. Public comment on public matters that is within the jurisdiction of the Planning Board (2-3-103 M.C.A.)

[06:05:04 PM \(00:02:02\)](#)

E. Board members disclose any conflict of interests

Jeff Larsen noted he would step down for agenda item #5.

[06:05:21 PM \(00:02:19\)](#)

F. Public Hearings:

[06:06:25 PM \(00:03:23\)](#)

1. **FPP-22-23** A request from Mummy Mountain, LLC with technical assistance from 406 Engineering Inc., for preliminary plat approval of Green Valley Subdivision, a proposal to create eleven (11) residential lots on 114 acres. The proposed lots would be served by individual wells and septic systems. The property is located at 1275 Columbia Falls Stage near Columbia Falls, MT.



Staff Report



Application



Preliminary Plat Map

Erin Appert reviewed Staff Report FPP-22-23 for the Board.

Applicant:

Nathan Lucke, 406 Engineering, Inc. – Noted he is both the developer/owner and the technical representative. He stated he agreed with the staff report and summarized the proposal for the board. He spoke of the surrounding neighborhood and the proposed density.

Public Comment:

Chris Allender, 101 Stonefoxx Court, Columbia Falls – Spoke in favor of the proposal. He had spoken with Lucke previously, regarding runoff from the sod farm during the spring, and appreciates Lucke's attention to this matter. He supports the fire district's requirements for suppression.

Tom Carruthers, Cottonwood Heights, Utah – Spoke in favor of the proposal. He is a builder and would be interested in purchasing one of the lots.

Sandy O'Connell, 2727 Lower Valley Rd, Kalispell – Spoke in favor of the proposal.

Brett Hughes, 285 Swan River Road, Bigfork – Spoke in favor of the proposal. He is the previous owner of the subject property and farmed sod.

Becky Hughes, 285 Swan River Road, Bigfork – Spoke in favor of the proposal.

Cindy Countryman, 208 Cardinal Lane, Kalispell – Asked questions regarding the Environmental Health comment, why roads and infrastructure are already in place, why a bike trail is required, whether the future phases will be reviewed by the Board, whether a future phase would require access via Fairview Cemetery road, and the plans for the existing and proposed wells.

Craig Kendall, 23 Stonefoxx Court, Columbia Falls – Spoke in favor of the proposal. He reiterated previous comments and felt those were valid. He asked the Board how to address thoughts regarding the proposed covenants. Larsen directed him to speak with the developer regarding covenants.

Joe Wargo, 1710 Fairview Cemetery Road, Columbia Falls – Stated development is inevitable. He asked about the phasing plan and whether a traffic study would be required for future phases. He had concerns regarding the impact on schools and the existing condition of Columbia Falls Stage and Fairview Cemetery Road. He was concerned about the impact this development would have in the future.

Mark Johnston, 970 Columbia Falls Stage Road, Kalispell – Spoke via Zoom, and stated his HOA would be interested in discussing the proposed covenants with the developer.

Applicant Rebuttal:

Lucke addressed the questions brought up during public comment. He stated the reference to the RV park in the Environmental Health comment letter was a typo. He explained the reasoning for constructing the roads prior to approval and the requirement for a bike and pedestrian path easement. He discussed water supply and stated the overall water usage will be decreased from previous agricultural use. He also stated a secondary emergency access onto Fairview Cemetery Road is anticipated for future phases. The overall development plan is for 32 lots, which would not require a traffic impact study.

[06:50:33 PM \(00:47:31\)](#)

Motion to adopt Staff Report FPP-22-23 as Findings-of-Fact

[Citizen Member - Greg Stevens: Motion](#)
[Citizen Member - Kevin Lake: 2nd](#)
[Citizen Member - Elliot Adams: Absent](#)
[Citizen Member - Gary Votapka: Approve](#)
[Citizen Member - Greg Stevens: Approve](#)
[Citizen Member - Jeff Larsen: Approve](#)
[Citizen Member - Kevin Lake: Approve](#)
[Citizen Member - Sandra Nogal: Approve](#)
[FCD Representative - Verdell Jackson: Absent](#)
[Citizen Member - Buck Breckenridge: Absent](#)

[06:51:24 PM \(00:48:22\)](#)

Motion to forward a positive recommendation to the Board of County Commissioners

[Citizen Member - Greg Stevens: Motion](#)
[Citizen Member - Kevin Lake: 2nd](#)
[Citizen Member - Elliot Adams: Absent](#)
[Citizen Member - Gary Votapka: Approve](#)
[Citizen Member - Greg Stevens: Approve](#)
[Citizen Member - Jeff Larsen: Approve](#)
[Citizen Member - Kevin Lake: Approve](#)
[Citizen Member - Sandra Nogal: Approve](#)
[FCD Representative - Verdell Jackson: Absent](#)
[Citizen Member - Buck Breckenridge: Absent](#)

Elliot Adams joined the meeting.

[06:52:52 PM \(00:49:50\)](#)

2. **FPP-22-16** A request from Sands Surveying, Inc., and 406 Engineering, on behalf of Whitefish Ski Condo Rentals LLC, for preliminary plat approval of Whalebone Estates II, a proposal to create five (5) residential lots and one (1) commercial lot on 20.57 acres. The proposed lots would be served by individual septic systems and individual wells, with a commercial lot exemption on Lot 6. The property is located off Aussie Tree Lane, approximately a quarter of a mile southeast of Highway 2 West.



Staff Report



Application



Preliminary Plat Map

Zachary Moon reviewed Staff Report FPP-22-16 for the Board.

Applicant:

Donna Valade, Sands Surveying, Inc., 2 Village Loop, Kalispell – Represented the applicants. She summarized the proposal and discussed the hammerhead turnaround, groundwater, and fire suppression.

Nogal asked about the commercial lot. Valade stated the developer is considering storage units on the lot. Nogal asked whether the commercial use would be out of place with the surrounding residential uses. Valade explained the property is not zoned.

Public Comment:

Arvon Fielding, 58 Aussie Tree Lane, Kalispell – Spoke in opposition of the proposal. He discussed the history of litigation on the property, wells within the right-of-way, and indicated safety concerns with the steep grade of the road.

Mitch Brown, 1022 Pheasant Ridge Drive, Kalispell – Spoke in opposition of the proposal. He discussed concerns regarding the proposed commercial lot.

Claud Hargrove, 26 Aussie Tree Lane, Kalispell – Spoke in opposition of the proposal. He had concerns regarding the commercial lot and the road.

Dale Sheppard, 63 Aussie Tree Lane, Kalispell – Spoke in opposition of the proposal. He had concerns regarding the commercial lot and access from Aussie Tree Lane.

Richard Sutton, 358 Smith Lake Road, Kalispell – Spoke in opposition of the proposal. He stated he was the previous owner and farmed the subject property. He spoke about runoff and agreed with previous comments regarding the commercial lot and traffic on Aussie Tree Lane.

Dan Stapleton, 3889 Big Mountain Road, Whitefish (Developer) – Spoke via Zoom. He explained the commercial lot is proposed since it cannot support a septic system. The residential lots passed groundwater monitoring.

Applicant Rebuttal:

Steve Stapleton, 1600 Rogers Lane, Kila – Suggested using the proposed commercial lot as open space/parkland for the subdivision instead of storage units.

Larsen asked Cody Jensen with 406 Engineering whether the drainfield could be placed on another lot. Cody confirmed and further discussed groundwater monitoring.

Stevens asked where the preliminary plat states the lot is commercial. Valade stated the plat does not specify the lot is commercial.

Board, staff, and applicant discussion ensued regarding the potential for modifying the commercial lot to be parkland.

[07:36:03 PM \(01:33:01\)](#)

Motion to adopt Staff Report FPP-22-16 as Findings-of-Fact

[Citizen Member - Greg Stevens: Motion](#)

[Citizen Member - Sandra Nogal: 2nd](#)

[Citizen Member - Elliot Adams: Approve](#)

[Citizen Member - Gary Votapka: Approve](#)

[Citizen Member - Greg Stevens: Approve](#)

[Citizen Member - Jeff Larsen: Approve](#)

[Citizen Member - Kevin Lake: Approve](#)

[Citizen Member - Sandra Nogal: Approve](#)
[FCD Representative - Verdell Jackson: Absent](#)
[Citizen Member - Buck Breckenridge: Absent](#)

[07:36:53 PM \(01:33:50\)](#)

Motion to forward a positive recommendation to the Board of County Commissioners

[Citizen Member - Greg Stevens: Motion](#)
[Citizen Member - Elliot Adams: 2nd](#)
[Citizen Member - Elliot Adams: Approve](#)
[Citizen Member - Gary Votapka: Disapprove](#)
[Citizen Member - Greg Stevens: Approve](#)
[Citizen Member - Jeff Larsen: Approve](#)
[Citizen Member - Kevin Lake: Approve](#)
[Citizen Member - Sandra Nogal: Disapprove](#)
[FCD Representative - Verdell Jackson: Absent](#)
[Citizen Member - Buck Breckenridge: Absent](#)

[07:52:26 PM \(01:49:24\)](#)

3. **FPP-22-26** A request from Breckenridge Surveying and Mapping, on behalf of Terry Falk, for preliminary plat approval of WestFalk No. 2, a proposal to create five (5) residential lots on 13.83 acres. The proposed lots would be served by individual wells and septic systems. The property is located at 57 Zachjell Place, Kalispell, MT.



Staff Report



Application



Preliminary Plat Map

Zachary Moon reviewed Staff Report FPP-22-26 for the Board.

Applicant:

Rick Breckenridge, Breckenridge Surveying & Mapping, 2302 Highway 2 East, #6, Kalispell – Summarized the proposal for the board. He discussed the mapped wetland/stream and explained reasoning for concluding there is not a stream on the property.

Nogal asked whether the lots are currently within a platted subdivision. Breckenridge confirmed they were.

Votapka further discussed the mapped wetland/stream with Breckenridge.

Public Comment:

Lyle Buchholtz, 19 Zachjell Place – Spoke in opposition of the proposal. They purchased the property with the understanding the lots would remain five acres. He was concerned about the proposed lot sizes and traffic.

Marcie Buchholtz, 19 Zachjell Place – Spoke in opposition of the proposal. She addressed concerns regarding lot sizes and configuration.

Jenni Le Gassey, 52 Zachjell Place, Kalispell – Spoke in opposition of the proposal. She reiterated concerns addressed within her written comment. She noted the proposed abandonment of the easement and asked whether that needs to be done prior to subdividing.

Eric Le Gassey, 52 Zachjell Place, Kalispell – Spoke in opposition of the proposal. He was concerned about additional driveways, traffic, topography, compatibility with the surrounding neighborhood, and interference with views.

Susan Levanen, 14 Zachjell Place, Kalispell – Spoke in opposition of the proposal. She reiterated concerns addressed within her written comment.

Paul Jenkinsen, 159 Swift Creek Way, Kalispell – Spoke via Zoom. He was in opposition of the proposal. He reiterated concerns addressed within his written comment. He discussed EPA cleanup nearby and addressed concerns with impacts on water supply.

Applicant Rebuttal:

Breckenridge discussed the petition for road easement abandonment. He stated the abandonment is not required for subdivision. He was not aware of issues with EPA and summarized water quality results. He disagreed with comments regarding the proposal not fitting with the surrounding densities and lot sizes. He explained it would only create 3 additional lots.

Stevens asked for clarification regarding the road easement. Breckenridge stated the applicant initiated a road abandonment easement which does not apply in this situation since it is not a County road. The previous surveyor placed the easement on the previous plat for unknown reasons.

Larsen asked where the water sampling was taken. Breckenridge responded with the location of the water sample.

Board discussion ensued regarding potential hazards on an adjacent property referenced during public testimony.

[08:42:25 PM \(02:39:23\)](#)

Motion to adopt Staff Report FPP-22-26 as Findings-of-Fact

[Citizen Member - Greg Stevens: Motion](#)
[Citizen Member - Kevin Lake: 2nd](#)
[Citizen Member - Elliot Adams: Approve](#)
[Citizen Member - Gary Votapka: Approve](#)
[Citizen Member - Greg Stevens: Approve](#)
[Citizen Member - Jeff Larsen: Approve](#)
[Citizen Member - Kevin Lake: Approve](#)
[Citizen Member - Sandra Nogal: Approve](#)
[FCD Representative - Verdell Jackson: Absent](#)
[Citizen Member - Buck Breckenridge: Absent](#)

[08:43:13 PM \(02:40:11\)](#)

Motion to forward a positive recommendation to the Board of County Commissioners

[Citizen Member - Greg Stevens: Motion](#)
[Citizen Member - Elliot Adams: 2nd](#)
[Citizen Member - Elliot Adams: Approve](#)
[Citizen Member - Gary Votapka: Approve](#)
[Citizen Member - Greg Stevens: Approve](#)
[Citizen Member - Jeff Larsen: Approve](#)
[Citizen Member - Kevin Lake: Approve](#)
[Citizen Member - Sandra Nogal: Disapprove](#)
[FCD Representative - Verdell Jackson: Absent](#)
[Citizen Member - Buck Breckenridge: Absent](#)

[08:50:33 PM \(02:47:31\)](#)

4. **FZC-22-20** A zone change request from Donald L. & Linda S. Stolte, with technical assistance from Breckenridge Surveying and Mapping, for property within the Blanchard Lake Zoning District. The proposal would change the zoning on a parcel of land located at 298 Blanchard Lake Road, near Whitefish, MT from SAG-5 (*Suburban Agricultural*) to R-2.5 (*Rural Residential*). The total acreage involved is approximately 5.03 acres.



Staff Report



Application

Larissa Van Riet reviewed Staff Report FZC-22-20 for the Board.

Applicant:

Rick Breckenridge, Breckenridge Surveying & Mapping, 2302 Highway 2 East #6, represented the applicants. He summarized the proposal stating he agreed with the staff report.

Public Comment:

None.

[08:53:30 PM \(02:50:28\)](#)

Motion to adopt Staff Report FZC-22-20 as Findings-of-Fact

[Citizen Member - Kevin Lake: Motion](#)

[Citizen Member - Gary Votapka: 2nd](#)

[Citizen Member - Elliot Adams: Approve](#)

[Citizen Member - Gary Votapka: Approve](#)

[Citizen Member - Greg Stevens: Approve](#)

[Citizen Member - Jeff Larsen: Approve](#)

[Citizen Member - Kevin Lake: Approve](#)

[Citizen Member - Sandra Nogal: Approve](#)

[FCD Representative - Verdel Jackson: Absent](#)

[Citizen Member - Buck Breckenridge: Absent](#)

[08:54:11 PM \(02:51:09\)](#)

Motion to forward a positive recommendation to the Board of County Commissioners

[Citizen Member – Kevin Lake: Motion](#)

[Citizen Member - Gary Votapka: 2nd](#)

[Citizen Member - Elliot Adams: Approve](#)

[Citizen Member - Gary Votapka: Approve](#)

[Citizen Member - Greg Stevens: Approve](#)

[Citizen Member - Jeff Larsen: Approve](#)

[Citizen Member - Kevin Lake: Approve](#)

[Citizen Member - Sandra Nogal: Approve](#)

[FCD Representative - Verdel Jackson: Absent](#)

[Citizen Member - Buck Breckenridge: Absent](#)

[08:55:09 PM \(02:52:07\)](#)

Jeff Larsen stepped down for the following agenda item.

5. **FPP-22-27** A request from Larsen Engineering and Surveying, on behalf of Mallery Knoll and Dylan Simac, for preliminary plat approval of Knoll Stone Subdivision, a proposal to create three (3) residential lots on 41.83 acres. The proposed lots would be served by individual wells and septic systems. The property is located at 54 and 55 Carly Lane, Bigfork, MT.



Staff Report



Application



Preliminary Plat Map

Zachary Moon reviewed Staff Report FPP-22-27 for the Board.

Applicant:

Ardis Larsen, Larsen Engineering & Surveying represented the applicants. She said they agreed with the staff report and stated they would not object to a condition requiring the spelling of the road name to be corrected. She also stated the Plat Room would require the correction anyway.

Public Comment:

John Venteicher, 24 Carly Lane, Bigfork – Spoke in opposition of the proposal. He discussed concerns regarding the increase in traffic and impacts on roads. He asked questions regarding road construction requirements, fire suppression, and wetlands.

Staff Rebuttal:

Stevens asked staff to clarify road improvement requirements. Moon discussed the conditions of approval regarding roadway improvement requirements. He stated the wetlands are shown as a no build zone as required, and summarized the comments from the fire district and the fire suppression requirements.

Applicant Rebuttal:

None.

[09:06:52 PM \(03:03:50\)](#)

Motion to adopt Staff Report FPP-22-27 as Findings-of-Fact

[Citizen Member - Kevin Lake: Motion](#)

[Citizen Member - Sandra Nogal: 2nd](#)

[Citizen Member - Elliot Adams: Approve](#)

[Citizen Member - Gary Votapka: Approve](#)

[Citizen Member - Greg Stevens: Approve](#)

[Citizen Member - Jeff Larsen: Abstain](#)

[Citizen Member - Kevin Lake: Approve](#)

[Citizen Member - Sandra Nogal: Approve](#)

[FCD Representative - Verdell Jackson: Absent](#)

[Citizen Member - Buck Breckenridge: Absent](#)

[09:07:47 PM \(03:04:45\)](#)

Motion to forward a positive recommendation to the Board of County Commissioners

[Citizen Member - Kevin Lake: Motion](#)

[Citizen Member - Gary Votapka: 2nd](#)

[Citizen Member - Elliot Adams: Approve](#)

[Citizen Member - Gary Votapka: Approve](#)



[Citizen Member - Greg Stevens: Approve](#)

[Citizen Member - Jeff Larsen: Abstain](#)

[Citizen Member - Kevin Lake: Approve](#)
[Citizen Member - Sandra Nogal: Approve](#)
[FCD Representative - Verdell Jackson: Absent](#)
[Citizen Member - Buck Breckenridge: Absent](#)

[09:09:37 PM \(03:06:35\)](#)

6. **FZC-22-19** A zone change request from Sands Surveying, Inc., on behalf of Sarah N. Sullivan, for property within the Echo Lake Zoning District. The proposal would change the zoning on a parcel of land located at 14 McCaffery Lake Lane, Bigfork, MT from AG-40 (*Agricultural*) to SAG-5 (*Suburban Agricultural*). The total acreage involved in the request is 54.35 acres.

  Staff Report   Application

Zachary Moon reviewed Staff Report FZC-22-19 for the Board.

Applicant:

Donna Valade, Sands Surveying, Inc., 2 Village Loop, Kalispell, represented the applicants. She summarized the proposal and stated the owners desire to divide the land via a family transfer. She addressed negative findings of fact within the staff report.

Larsen noted the discussion at the BLUAC meeting regarding a zone change to SAG-10 instead of SAG-5 and asked whether the applicant would be interested in SAG-10. Valade explained SAG-10 zoning would not allow the owners to family transfer as desired.

Public Comment:

Cole Sullivan, 125 Sunrise Terrace, Bigfork (Applicant) – Explained future plans for the property and stated SAG-10 zoning would not allow them to create three lots for future generations.

[09:25:49 PM \(03:22:47\)](#)

Motion to adopt Staff Report FZC-22-19 as Findings-of-Fact

[Citizen Member - Gary Votapka: Motion](#)
[Citizen Member - Kevin Lake: 2nd](#)
[Citizen Member - Elliot Adams: Approve](#)
[Citizen Member - Gary Votapka: Approve](#)
[Citizen Member - Greg Stevens: Approve](#)
[Citizen Member - Jeff Larsen: Approve](#)
[Citizen Member - Kevin Lake: Approve](#)
[Citizen Member - Sandra Nogal: Approve](#)
[FCD Representative - Verdell Jackson: Absent](#)
[Citizen Member - Buck Breckenridge: Absent](#)

[09:26:54 PM \(03:23:52\)](#)

Motion to forward a positive recommendation to the Board of County Commissioners

[Citizen Member - Gary Votapka: Motion](#)
[Citizen Member - Greg Stevens: 2nd](#)
[Citizen Member - Elliot Adams: Approve](#)
[Citizen Member - Gary Votapka: Approve](#)

[Citizen Member - Greg Stevens: Approve](#)
[Citizen Member - Jeff Larsen: Approve](#)
[Citizen Member - Kevin Lake: Approve](#)
[Citizen Member - Sandra Nogal: Approve](#)
[FCD Representative - Verdell Jackson: Absent](#)
[Citizen Member - Buck Breckenridge: Absent](#)

[09:30:55 PM \(03:27:53\)](#)

G. Old Business

None

[09:31:04 PM \(03:28:02\)](#)

H. New Business

Board discussion regarding new formatting for the minutes and Zoom option.

[09:37:45 PM \(03:34:43\)](#)

I. Adjournment

[Citizen Member – Sandra Nogal: Motion](#)
[Citizen Member – Gary Votapka: 2nd](#)
[Citizen Member - Elliot Adams: Approve](#)
[Citizen Member - Gary Votapka: Approve](#)
[Citizen Member - Greg Stevens: Approve](#)
[Citizen Member - Jeff Larsen: Approve](#)
[Citizen Member - Kevin Lake: Approve](#)
[Citizen Member - Sandra Nogal: Approve](#)
[FCD Representative - Verdell Jackson: Absent](#)
[Citizen Member - Buck Breckenridge: Absent](#)

Approved on 12/14/2022 on a Roll Call Vote 4 to 3 - Breckenridge, Adams, and Stevens Abstained.